

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MATTHEW SAVORY, Register No. 503817,)	
)	
Plaintiff,)	
)	
v.)	No. 06-4203-CV-C-SOW
)	
TERRY MOORE, et al.,)	
)	
Defendants.)	

ORDER

On June 20, 2007, United States Magistrate Judge William A. Knox recommended that defendants' motion of December 14, 2006, to dismiss for failure to exhaust administrative remedies be denied; that defendants' motion be granted to the extent plaintiff claims he was denied appropriate procedures prior to and during his initial placement in administrative segregation, and to the extent that he claims the mere length of his confinement in administrative segregation, notwithstanding the conditions, violates the Constitution; and that defendants' motion be denied on plaintiff's claims that he was subjected to atypical and significant hardships in administrative segregation, denied due process during the disciplinary hearing, subjected to cruel and unusual punishment while in administrative segregation, and denied freedom of speech with regard to grievances. Judge Knox further recommended that defendants' motion of January 20, 2007, to dismiss for failure to prosecute and to comply with court orders be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record¹, including the exceptions filed by defendants on July 9, 2007. The issues raised in defendants' exceptions were adequately

¹Court proceedings, if any, are recorded by electronic recording equipment and the tapes are available for review by the court and counsel.

addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of June 20, 2007, is adopted. [30] It is further

ORDERED that defendants' motion of December 14, 2006, to dismiss for failure to exhaust administrative remedies is denied. [11] It is further

ORDERED that defendants' motion of December 14, 2006, to dismiss is granted to the extent plaintiff claims he was denied appropriate procedures prior to and during his initial placement in administrative segregation, and to the extent that he claims the mere length of his confinement in administrative segregation, notwithstanding the conditions, violates the Constitution. It is further

ORDERED that defendants' motion of December 14, 2006, to dismiss is denied on plaintiff's claims that he was subjected to atypical and significant hardships in administrative segregation, denied due process during the disciplinary hearing, subjected to cruel and unusual punishment while in administrative segregation, and denied freedom of speech with regard to grievances. It is further

ORDERED that defendants' motion of January 20, 2007, to dismiss for failure to prosecute and to comply with court orders is denied. [20]

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: August 27, 2007